

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

RAMON VILLANUEVA-BAZALDUA,	)	
individually and on behalf of others	)	
similarly situated,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 06-185 (GMS)
	)	
TRUGREEN LIMITED PARTNERS,	)	
AND TRUGREEN, INC.,	)	
	)	
Defendants.	)	

**ORDER**

Presently before the court is Ramon Villanueva-Bazaldua (“Villanueva”)’s motion for leave to file a first amended complaint pursuant to Rules 15 and 20 of the Federal Rules of Civil Procedure. (D.I. 55.)

“After amending once or after an answer has been filed, the plaintiff may amend only with leave of the court or the written consent of the opposing party, but ‘leave shall be freely given when justice so requires.’” *Boyer v. Taylor*, 2007 WL 3407417, at \*1 (D.Del. 2007) (quoting *Shane v. Fauver*, 213 F.3d 113, 115 (3d Cir. 2000) (discussing Fed. R. Civ. P. 15(a))). Courts of the Third Circuit grant leave to amend pleadings liberally, though not automatically, to ensure that “a particular claim will be decided on the merits rather than on technicalities.” *Id.* (internal citations omitted).

Here, Villanueva has the defendants’ written consent to amend. The parties’ joint status report provided for the filing of amended or supplemental pleadings and joinder of additional parties within 45 days of the court’s denial of Villanueva’s motion to issue notice to an FLSA

class. (D.I. 39 at 5.) On March 19, 2007, the court denied that motion. (D.I. 44.) On April 30, 2007, less than 45 days afterwards, Villanueva filed this motion to amend in accordance with the parties' agreement in the joint status report. (D.I. 55.) Moreover, Villanueva asserts claims against James Vacchiano that arise out the same transaction or occurrence as his existing claims. Fed. R. Civ. P. 20. The court will therefore grant Villanueva's motion.

IT IS HEREBY ORDERED THAT:

The motion to amend the complaint (D.I. 55.) is GRANTED.

Dated: February 19, 2008

/s/ Gregory M. Sleet  
CHIEF, UNITED STATES DISTRICT JUDGE